

# MEMORANDUM

Agenda Item No. 7(D)(1)(G)

**TO:** Hon. Chairperson Barbara Carey-Shuler, Ed.D  
and Members, Board of County Commissioners

**DATE:** January 20, 2004

**SUBJECT:** Release of unneeded drainage  
maintenance easement in  
Sec. 35, Twp. 55S, Rge. 40 E

**FROM:** George M. Burgess  
County Manager

**LOC:** 17301 Old Cutler Road

## RECOMMENDATION

It is recommended that the Board approve a resolution authorizing the release of existing county drainage easement, which is no longer needed by Miami-Dade County.

## BACKGROUND

The subject drainage easement was acquired at no cost to Miami-Dade County by virtue of an easement deed recorded in Official Records Book 1685 at page 285. Said interest which runs alongside the northerly boundary of Blocks 103 and 104 of the Town of Cutler recorded in Plat Book B-17 of the Public Records of the Miami-Dade County, Florida, was obtained to be used in conjunction with the construction of a water control facility, the Cutler Drain Canal. The Water Control Master Plan of Miami-Dade County shows a canal lying to the north of aforesaid easement. The said canal is part of the primary canal system under the jurisdiction of the South Florida Water Management District (SFWMD). Miami-Dade County has determined that its continued control of said easement is not in the best interest of the public. The SFWMD and the Miami-Dade County Public Works Department, in their joint investigation of this matter, have concurred with the findings of Department of Environmental Resources Management (DERM) which had received this petition for the release of this unneeded drainage easement.

DERM has processed this application and recommends its approval by the Board.

The advertising provisions of Florida State Statute, Chapter 125.37 have been complied with regarding this application.

  
Assistant County Manager




# MEMORANDUM

(Revised)

**TO:** Hon. Chairperson Barbara Carey-Shuler, Ed.D.  
and Members, Board of County Commissioners

**DATE:** January 20, 2004

**FROM:**   
Robert A. Ginsburg  
County Attorney

**SUBJECT:** Agenda Item No. 7(D)(1)(G)

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 7(D)(1)(G)  
1-20-04

RESOLUTION NO. \_\_\_\_\_

RESOLUTION AUTHORIZING THE RELEASE OF  
UNNEEDED DRAINAGE EASEMENT IN SECTION 35,  
TOWNSHIP 55 SOUTH, RANGE 40 EAST

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board approves the release of a drainage easement encumbering Blocks 103 and 104 of The Town of Old Cutler according to the recorded in Plat Book B-17 of the Public Records of Miami-Dade County, in Section 35, Township 55 South, Range 40 East, and authorizes execution of a disclaimer and related documents by the Mayor in substantially the form attached hereto and made a part hereof.

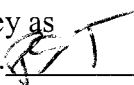
The foregoing resolution was offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_, and upon being put to a vote, the vote was as follows:

Dr. Barbara Carey-Shuler, Chairperson	
Katy Sorenson, Vice-Chairperson	
Bruno A. Barreiro	Jose "Pepe" Diaz
Betty T. Ferguson	Sally A. Heyman
Joe A. Martinez	Jimmy L. Morales
Dennis C. Moss	Dorin D. Rolle
Natacha Seijas	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 20th day of January, 2004. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

HARVEY RUVIN, CLERK

Approved by County Attorney as  
to form and legal sufficiency.   
Peter S. Tell

By: \_\_\_\_\_  
Deputy Clerk

MIAMI-DADE COUNTY, FLORIDA, DISCLAIMER

CANAL MAINTENANCE EASEMENT

KNOW ALL MEN BY THESE PRESENTS that MIAMI-DADE COUNTY, a political subdivision of the State of Florida, does hereby give notice that it disclaims certain rights, title and interests which said MIAMI-DADE COUNTY has in the following described lands lying and being in Miami-Dade County, Florida, to wit:

The North 20 feet less the South 17 feet of the West 450 feet of the N1/2 of Block 103 and 104 of the Town of Cutler according to the survey of S.H. Richmond, C.E., and plat thereof, recorded in Plat Book B-17 of the Public Records of Miami-Dade County, Florida;

This instrument was prepared by:  
Walid Abusad, of  
Miami-Dade County Environmental  
Resources Management  
33 S.W. 2nd Avenue, 2nd Floor  
Miami, Florida 33130-1540

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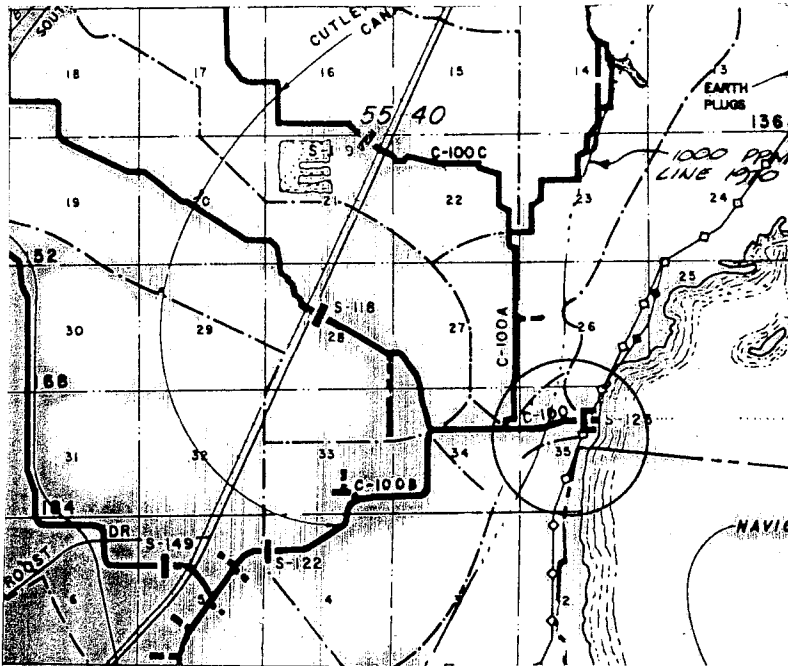
NOW, THEREFORE, MIAMI-DADE COUNTY DOES issue this disclaimer.

IN WITNESS WHEREOF MIAMI-DADE COUNTY, FLORIDA, has caused these presents to be executed in its name by its Board of County Commissioners acting by the Mayor and the Clerk of Deputy Clerk of said Board on this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

BY THE ISSUANCE of this instrument MIAMI-DADE COUNTY does not purport to lessen or diminish any existing canal right of way or canal maintenance easement, nor the rights of any other agency or governmental body in and to the aforementioned lands.

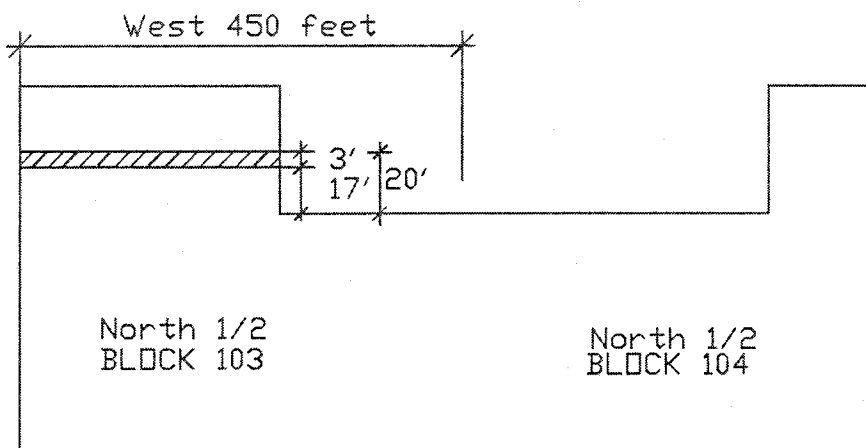
IN WITNESS WHEREOF MIAMI-DADE COUNTY FLORIDA, has caused these presents to be executed in its name by its Board of County Commissioners acting by the Mayor and the Clerk or Deputy Clerk of said Board on this the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

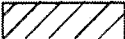
The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_, who is personally known to me or who has produced \_\_\_\_\_ as identification and who did take an oath.



W.C. 822  
 SEC. 35  
 TWP. 55  
 RGE. 40

17301 OLD CUTLER ROAD



 3 foot Drainage Easement to be Disclaimed